

TITLE 16. CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS

NOTICE IS HEREBY GIVEN that the California Architects Board (hereinafter "Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the California Architects Board, 2420 Del Paso Road, Suite 105, Sacramento, California, at 10:00 a.m. on **October 10, 2007**. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on **October 10, 2007**, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by section 5526 of the Business and Professions Code (BPC), and to implement, interpret or make specific sections 5535.1, 5535.2, 5535.3, 5536, 5582 and 5582.1 of said Code, the Board is considering changes to Division 2 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

1. Amend Section 134 – Architectural Business Names

Under existing law, only a person who is licensed by the Board as an architect is permitted to use the title architect or any terms confusingly similar to the word "architect." However, under the current regulation, an architect whose business entity uses the term "architect," "architecture," or "architectural" in the business title or description of services must also designate the name of an architect who is either an owner, partner, officer, or employee of the entity. This regulatory proposal eliminates this duplicative requirement to name the responsible architect in the title or designation of services for any business entity using the protected title or similar terms in its title or description of services as long as that entity has an architect who is in control of architects' professional services offered and provided by the entity, who is either an owner, a part-owner, an officer or an employee of the business entity and who has filed a business entity report form as required in Business and Professions Code section 5558.

2. Repeal Section 135 – Association

Under existing law, it is grounds for disciplinary action for architects to stamp and sign plans, drawings or other instruments of service that have not been prepared by them, or under their responsible control. Another existing regulation provides that an architect who associates with a person who is not an architect, civil or structural engineer or bona fide employee to jointly offer architectural services must enter into a written agreement, as specified, where the architect

agrees to be responsible for the preparation of instruments of services for their work. This regulatory proposal would repeal this regulation since it is duplicative and provides no clarity on the term “jointly” offering the services.

FISCAL IMPACT ESTIMATES

- Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: **None**
- Nondiscretionary Costs/Savings to Local Agencies: **None**
- Local Mandate: **None**
- Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: **None**
- Business Impact: The Board has made an initial determination that the proposed regulatory changes would have minor statewide adverse economic impact directly affecting business entities operating in violation of the Architects Practice Act. However, it will provide a beneficial impact on business entities operating within the parameters of the Architects Practice Act.
- Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.
- Cost Impact on Representative Private Person or Business: The Board has made an initial determination that the proposed regulatory changes may have a minor economic impact directly affecting a representative private person or business entity operating in violation of the Architects Practice Act.
- Effect on Housing Costs: **None**

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would affect some small businesses that offer and provide architectural services. Since the changes will affect small and large businesses in the same way, see Business Impact statement above.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Architects Board at 2420 Del Paso Road, Suite 105, Sacramento, California 95834.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Hattie Johnson
Address:	2420 Del Paso Road, Suite 105 Sacramento, CA 95834
Telephone No.:	(916) 575-7203
Fax No.:	(916) 575-7283
E-Mail Address:	hattie_johnson@dca.ca.gov

The backup contact person is:

Name:	Sonja Ruffin
Address:	2420 Del Paso Road, Suite 105 Sacramento, CA 95834
Telephone No.:	(916) 575-7207
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Website Access: Materials regarding this proposal can be found at www.cab.ca.gov